

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

BID FOR POSITION, LLC,

Plaintiff,

v.

AOL LLC and GOOGLE INC.,

Defendants.

CASE NO. 2:07-cv-582 JBF/TEM

**DECLARATION OF EMILY C. O'BRIEN
IN SUPPORT OF DEFENDANTS GOOGLE AND AOL'S MOTION FOR SUMMARY
JUDGMENT OF NONINFRINGEMENT OF U.S. PATENT NO. 7,225,151**

I, Emily C. O'Brien, declare and state as follows:

1. I am an associate of the law firm Quinn Emanuel Urquhart Oliver & Hedges, LLP and represent Defendant Google Inc. ("Google") in this action. This declaration is made in support of Defendants Google and AOL's Motion for Summary Judgment of Noninfringement of U.S. Patent No. 7,225,151. The matters referred to in this declaration are based upon my personal knowledge, and if called as a witness I could testify competently to those matters.

2. Attached hereto as Exhibit 1 is a true and accurate copy of U.S. Patent No. 7,225,151.

3. Attached hereto as Exhibit 2 is a true and accurate copy of U.S. Patent No. 6,269,361.


4. Attached hereto as Exhibit 3 is a true and accurate copy of excerpts from the deposition transcript of the May 7, 2008 deposition of inventor Brad Konia.

5. Attached hereto as Exhibit 4 is a true and accurate copy of the Expert Report of Don Turnbull, PhD on Infringement of U.S. Patent No. 6,225,151 dated June 10, 2008.

6. Attached hereto as Exhibit 5 is a true and accurate copy of the Expert Report of Don Turnbull, PhD in Reply to the Invalidity Report of Dr. David C. Parkes dated July 9, 2008.

7. Attached hereto as Exhibit 6 is a true and accurate copy of Plaintiff Bid For Position, Inc.'s Response to Defendant Google, Inc.'s First Set of Joint Interrogatories, served on April 7, 2008.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge. Executed this 24th day of July, 2008 in San Francisco, California.


Emily C. O'Brien

Dated: July 24, 2008

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2008, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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I also certify that on July 24, 2008, I will effect hand-delivery of the foregoing in accordance with Federal Rule of Civil Procedure 5(b)(2)(A) to the following:

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